

# DON'T WAIT TILL '98

"MAY OLD ACQUAINTANCE BE FORGOT

AND NEVER BROUGHT TO MIND...."

SING

## AULD LANG SYNE

TO THOSE OLD TANKS IN 1997.



**This could be your last issue of Tank Notes! See Page 3!**

NEW MEXICO ENVIRONMENT DEPARTMENT  
Underground Storage Tank Bureau  
1190 Saint Francis Drive  
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## Getting to Know the USTB

*New Bureau Chief takes on the UST Bureau with a wealth of experience and New Mexico savvy*

**W**ith all the changes in the Bureau, people who used to know the UST Bureau may find themselves out in the cold. Beginning with this issue, we will focus our attention on some of the new faces. This issue, we spotlight the new Bureau Chief, J. David Duran.

In addition to having a degree in engineering, and being the first USTB Chief to hold such a degree, Duran brings a wealth of administrative and technical management experience to the Bureau. He was named Acting Chief on July 29, 1996, and his appointment became permanent on October 15.

"I'm very excited to have the opportunity to work with such a talented group," Duran said. "The staff are the heart of the Bureau, and I have enjoyed working with each of them. This bureau poses a particular challenge, as it is one of the largest organizations within the Department."

A Santa Fe native, Duran graduated from St. Michael's High School and received a Bachelor of Science in Environmental Engineering from the New Mexico Institute of Mining and Technology in 1971 and a Master's degree in Public Administration from

the University of New Mexico in 1989. "I started college in Socorro after spending three years in the military. Later on, it took me five years to receive the Master's degree, working full time and attending classes in the evening," Duran said.

Duran's entire career has been within the Environment Department and its predecessor agencies, starting in 1971 with the Environmental Services Agency, which was part of the Health and Social Services Department. He worked previously in the Air Quality and the Solid Waste Bureaus in source inspection and compliance issues, as well as permitting new facilities.

He served in the U.S. Marine Corps during the Vietnam era. "I was in South Vietnam in the mid 60's when President Johnson first decided to increase our presence there," Duran said.

Duran married his high school sweetheart, Charlotte, at St. Francis Cathedral. They have been married for 30 years and have two children: Dave, age 27, and Melissa, age 26. They also have two grandchildren, ages 7 and 2.



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COMMENTS:

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## Task Force up to the task

by Patrick DeGruyter

**B**y now, many consultants and members of the regulated community have heard of the Underground Storage Tank Bureau "Task Force," which has been around since early in 1995. In the beginning, the Task Force was made up of the Bureau Chief and the Department Secretary, who would meet with each site project manager.

The Task Force has now evolved to include the senior technical staff, the remediation program manager, the Bureau Chief and the Department Secretary or the Environmental Protection Division Director. In addition, there is one staff seat that rotates among Bureau technical personnel.

The UST Advisory Committee got its formal introduction to the Task Force at the November 20 meeting. The Committee was invited to attend Task Force meetings, and it is anticipated that Committee member attendance in the future will be a frequent, if not regular, occurrence.

The Task Force was created because of concerns related to the Corrective Action Fund. In 1995 and the first part of 1996, the fund faced a reduced revenue stream, and the Bureau recognized the need to more closely monitor its expenditures.

Originally, the Task Force was charged with reviewing and approving all workplans that exceeded \$100,000, but its success led to an expansion of its oversight role. This review and approval responsibility now also includes any workplan that is part of a task or phase that in aggregate will exceed \$100,000, all workplans for state-lead site

work, and any workplan for work beyond the site investigation, such as the minimum site assessment and hydrogeologic investigation. In addition, other items may be brought at the request of the Task Force or the project manager.

The Task Force usually meets every other Thursday, alternating between the USTB office in Albuquerque and Santa Fe. Its process is fairly straight-forward and simple. The project manager prepares a presentation packet that includes a site summary, maps and other graphics, and the workplan or other items to be reviewed. The project manager schedules between 30 minutes and one hour to make a presentation and answer questions.

Following the presentation and discussion, the Task Force attempts to arrive at a consensus decision. Though a final decision is sometimes in order, the Task Force can request that the project manager gather additional information and present it for final decision at a later meeting. A record of the final decision is added to the site summary.

On the whole, the Task Force has been constructive, fair, well-run, and accepted by the regulated community, which had previously expressed concern over the lack of consistency in site decisions. Additionally, the "think-tank" atmosphere and the knowl-

edge sharing inherent to this process serve as a valuable staff and management training and communication tool. And, perhaps most important, the Task Force is serving its intended purpose to direct the limited Fund dollars to the most cost-effective and appropriate uses.

### Leak o' the Week

Date	Report Person	Phone #
Feb 17-21	Norman Pricer	841-9189
Feb 24-28	Steve Jetter	841-9461
Mar 3-7	Spencer Seponnen	827-2916
Mar 10-14	Tom Leck	841-9479
Mar 17-21	Brian Salem	827-2916
Mar 24-28	Jane Cramer	841-9477
Mar 31-Apr 4	Kalvin Martin	841-9186
Apr 7-11	David Nye	841-9478
Apr 14-18	Norman Pricer	841-9189
Apr 21-25	Steve Jetter	841-9461
Apr 28-May 2	Spencer Seponnen	827-2916

## Status of State-Lead Sites

**T**here are 98 state-lead sites in New Mexico at which the Underground Storage Tank Bureau oversees corrective action. Thirty of these sites are referred to as "first priority sites." First priority sites, by definition, are the worst sites the Bureau handles. They are sites which have experienced well or explosive vapor impacts. The remaining 65 state-lead sites are referred to as 2nd and 3rd priority sites. These are sites that have either free product, contaminant-saturated soils, dissolved phase contamination or soil only contamination, but do not pose an immediate threat to any receptors. The first two characteristics define a site as "2nd priority"; the third and fourth define a "3rd priority" site.

There are 900 active responsible party-lead sites.

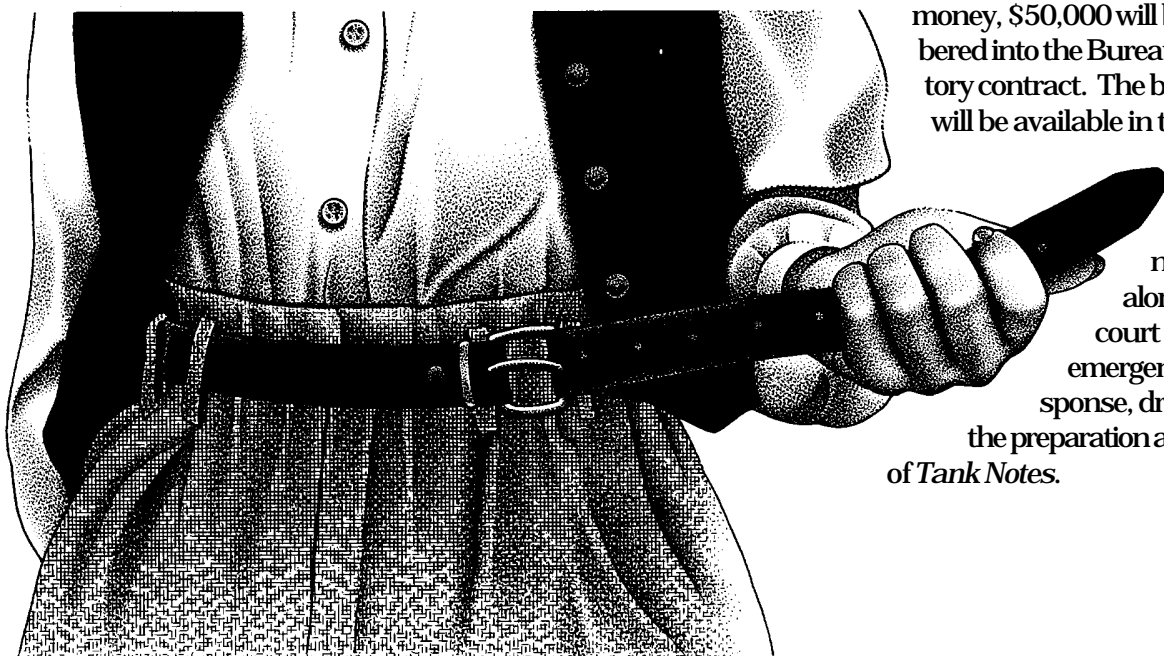
The budget for addressing state-lead sites in fiscal year 1997 is \$1,185,100 (\$1.185M). Of course, this is not enough to address every state-lead site. Therefore, the Bureau, along with the Division Director and the Cabinet Secretary, reviewed all state-lead sites and allocated Corrective Action funds according to rank. First-priority sites were broken into two

categories: sites that still have impacts or present significant threats, and sites at which the impacts or threats have diminished. Fourteen sites were identified to have remaining impacts or threats. Allocations from the CAF were based on projected work at the site to mitigate the impact or threat. The remaining 16 first priority sites and all 2nd and 3rd priority sites were slated for monitoring.

Few of the fourteen sites where money was allocated have remained active or have been re-activated. There are two reasons for this. First, many of the existing contracts between the Department and the consulting firms have expired. The Bureau is actively trying to get these contracts renewed. Second, unanticipated invoices from the previous fiscal year continue to come in.

The following sites have had work approved: Hobbs City Wells, Indian Hills, Yale Auto, Big Chief Fina, and Coronado Airport. The remaining first priority state-lead sites will be addressed as additional money becomes available.

The Bureau has recently had a budget adjustment request approved moving \$200,000 from an account which received revenue from cost recovery actions. Of this money, \$50,000 will be encumbered into the Bureau's laboratory contract. The balance will be available in the future for this contract, if it is needed, along with court reporting, emergency response, drilling, and the preparation and printing of *Tank Notes*.



## Inside the UST Committee

**A**s demonstrated in the two meetings since the last issue of *Tank Notes*, the UST Committee remains concerned about the internal workings of the Bureau and the status of the Corrective Action Fund.

At the 50-minute October 30 meeting, Bureau Chief David Duran answered many questions from the Committee about the queue. "It's difficult to predict when revenues will exceed obligations," Duran said. "It looks like it might take until May or June of '97."

Environmental Protection Division Director Pete Maggiore, who was asked about the vacancies and turnover in the Bureau, optimistically sees opportunity. Foremost, the Bureau is reclassifying several positions and has hired two Professional Engineers, whose expertise is being put to work in "Quality Action Teams," which are small technical groups with members from different disciplines – geology, hydrology, and now engineering – that work together to find solutions to problems.

Duran was quick to praise his staff: "The remaining project managers have really come together and risen to the occasion" of meeting the challenges that have faced them before the new structures are in place.

At the November 20 meeting, Committee member Charley Brewer suggested the Bureau hold an informal orientation workshop where the committee members can talk about the Bureau's history. A motion to hold a workshop after the first of the year was unanimously agreed upon.

Patrick DeGruyter, senior geologist and team leader, presented an overview of the UST Task Force. A summary of his comments is in this issue of *Tank Notes*.

The Committee expressed concern that the Task Force is a potential bottleneck in the approval loop and that it might be excessively burdensome. DeGruyter countered that there is not presently a backlog of

projects pending before the Task Force and that the regulated community tends to support the consistent decisions that are made. The Committee was invited to attend Task Force meetings, and they agreed to do so on a rotating basis.

Maggiore was the Chair of the January 8 Committee meeting, having been asked by Secretary Mark Weidler to take over in an interim capacity for Deputy Secretary Edgar Thornton who has resigned from the Department.

After updating the Committee on the Corrective Action Fund, Duran outlined the near-term direction of the fund: "Revenues will exceed budget and money will begin flowing to state-lead sites sometime this month, but our priority will remain on funding RP-lead sites."

Members of the audience indicated that there are state-lead sites that are not presently being remediated, but have responsible parties who would like to begin cleanup on their own. Duran responded that although the Bureau can make arrangements with these parties to take back state-lead sites, the Department is not actively searching for RPs to take sites back. This issue will be featured in next quarter's *Tank Notes*.

Committee member Roy Stoesz mentioned that he attended a meeting of the Task Force and was very much impressed that he "saw three levels of organization meeting over one piece of paper and disposing of some very complex issues."

The meeting was followed by an informal workshop for UST committee members. The meeting was open to the public and several significant issues regarding the future roll of the committee were discussed. More on this workshop in the next issue.

The next committee meeting will be February 26 in Santa Fe. Hope to see you there!

- RNA is non-intrusive; it results in minimal disturbance to the site operations and allows continuing use of the site's infrastructure
- more conventional remedial technologies can pose greater risk to potential receptors than natural attenuation, due to site disruption or an inability to control properly the remedial process
- RNA can be used in conjunction with conventional remedial technologies
- RNA can be less costly than currently available remedial technologies
- RNA can be evaluated by collecting adequate and appropriate geologic and hydrogeologic data during the site characterization phase and can be demonstrated through relatively inexpensive field and laboratory analytical methods; if RNA is not solely sufficient to provide adequate protection of potential receptors, the data collected for the RNA study can be used to design supplemental remedial alternatives
- use of RNA can help to focus funds and efforts for active remediation of higher priority sites
- RNA is not subject to the limitations imposed by the use of mechanized remediation equipment (i.e. no equipment downtime) and can be employed for contamination below buildings and other areas that are not accessible
- compounds such as benzene, toluene, ethylbenzene and xylenes (BTEX) that typically pose the greatest risk and are commonly the major compounds of regulatory concern are generally the most susceptible to biodegradation

### Limitations of RNA

RNA also demonstrates a number of limitations:

- RNA shows sensitivity to natural and man-induced changes in the local hydrogeologic conditions and site operations; potentially important effects include changes in groundwater gradients/velocity, pH, and electron acceptor concentrations for potential future uses; such changes could be brought about by alterations in land use, changes in the local pumping regime, third-party impacts or a change in the location of receptors
- time frames for achieving remedial goals may be relatively long, especially if heavier hydrocarbons are involved
- the public may perceive RNA as a "do-nothing" remedial alternative
- supplemental source area removal or more aggressive remediation may be required when expo-

sure pathways are completed or receptors are impacted

- technical limitations may obstruct the implementation or progress of RNA and require the consideration or use of other remediation alternatives; such limitations include constraints associated with inadequate data used to construct the conceptual model, the inability to implement the monitoring program, insufficient data to perform predictive modeling and changes in site conditions
- climate can be a limitation; for instance not much RNA occurs in the shallow subsurface in Minnesota
- the implementation of RNA requires adequate definition of the groundwater plume and understanding of site hydrology; appropriate implementation of RNA may not occur because of the lack of necessary site data or inability to obtain representative or other requisite samples necessary to construct an acceptable site conceptual model and design an adequate long-term monitoring plan
- RNA relies on empirical data generated by groundwater monitoring; the inability to place monitoring wells in appropriate locations due to surface obstructions or other impediments, changes in aquifer water levels rendering monitoring wells unusable, and monitoring where the sampling and analytical protocols are not observed can preclude appropriate implementation of RNA; the inherent variability of the groundwater monitoring data may also preclude effective evaluation of plume behavior
- RNA requires that site conditions persist or do not change adversely; actual or proposed land use changes may result in site reclassification to a higher, acceptable risk level; a new source may introduce additional petroleum product to the system at the site or another upgradient plume may reduce available electron acceptors for biodegradation; changes in aquifer conditions may alter the long-term groundwater transport rates and direction or produce short-term changes that are unacceptable
- RNA is unlikely to meet numeric remedial goals that require relatively low concentrations (e.g. 5 ppb benzene) at or near the source of a major petroleum release in short time frames.



## Applicability of Remediation by Natural Attenuation

*The following article is reprinted courtesy of the College of Engineering, University of Wisconsin - Madison. It first appeared in the college's November/December 1996 issue of Under-ground Tank Technology Update (UTTU). Pat Komor summarized the ASTM draft report, with help from Matt Small, USEPA Region 9, San Francisco, California. This reprint of the article has been edited for space and not content.*

**A**STM is developing a guide detailing when and how to use natural attenuation – remediation by natural attenuation or RNA – at petroleum-contaminated sites (ASTM, 1996). The draft is currently under review and will be rebalotted sometime in early 1997.

This article is a summary of the draft guide, “ASTM Guide for Remediation by Natural Attenuation at Petroleum Release Sites.”

Use of RNA will depend on the following:

- results of the site characterization
- assessment of the site's potential risks
- evaluation of potential effectiveness with respect to other remedial technologies

RNA is no different from any other remedial approach, but it does allow for natural processes to clean up or attenuate contamination. In general, remediation by natural attenuation may be used

- as the sole remedial action at sites where immediate threats to human health, safety and the environment do not exist or have been mitigated, and where compounds of concern are unlikely to impact a receptor
- as a subsequent phase of remediation after other remedial action has sufficiently reduced concentrations/mass in the source area so that plume impacts on receptors are unlikely
- as part of a multi-component remediation plan

RNA may not be a suitable remedial alternative for compounds that do not readily attenuate (such as methyl-tertiary-butyl-ether – MTBE).

### Natural attenuation with respect to the contaminant plume

Depending upon the contribution of the contaminant source and the properties of the subsurface, the plume generated from a petroleum product release will expand until it reached equilibrium; at equilibrium, the rate of contaminant contributed from the source is balanced with the rate of contaminant contributed from the source is balanced with the rate of natural attenuation and the plume stabilizes. The time scale over which this equilibrium condition is reached varies with site-specific conditions. When the source is depleted to the point that the rate of natural attenuation exceeds the source input, the plume starts shrinking.

RNA relies on natural attenuation mechanisms to degrade and dissipate petroleum constituents in soil and groundwater. The physical, chemical and biological processes include the following:

- dispersion
- volatilization
- adsorption
- aerobic biodegradation
- anaerobic biodegradation



These processes occur to some extent at most petroleum-contaminated sites. Biodegradation removes most of the contaminant mass through microbial metabolization of petroleum compounds. Its products include carbon dioxide, water and biomass.

### Advantages of RNA

RNA has several advantages:

- petroleum hydrocarbon compounds are transformed to innocuous products rather than merely transferred from one phase or location to another

# How To Prevent LUST in New Mexico

## What Are The 1998 Upgrade Requirements

by John Cochran

**F**or those loyal *Tank Notes* readers who have taken the time to browse the last six issues, I'm sure that you have noticed that the last page always deals with the 1998 upgrade deadline. You have seen bugs, giants, mice, ducks, tombstones, and a distressed tank owner reminding you "Don't Wait Till '98" to begin upgrading your existing UST system. Remember, your system must be upgraded by December 22, 1998.

The Bureau has a booklet entitled "Don't Wait Until 1998" that is available to any tank owner, operator, or interested person. In June 1994 the Bureau mailed a copy to every tank owner and operator in our database. The booklet describes what is required to upgrade your system and what testing, if any, is required and how often. Contact your local UST office for a copy.

What are the upgrade requirements for existing underground storage tanks?

### Spill Protection

Existing tanks must have catchment basins to contain spills from delivery hoses.

### Overfill Protection

Existing tanks must use ONE of the following:

- Automatic shutoff devices
- Overfill alarms
- Ball float valves

If your system has suction piping, you cannot use a ball float valve for overfill protection.

### Corrosion Protection

Existing tanks must have ONE of the following:

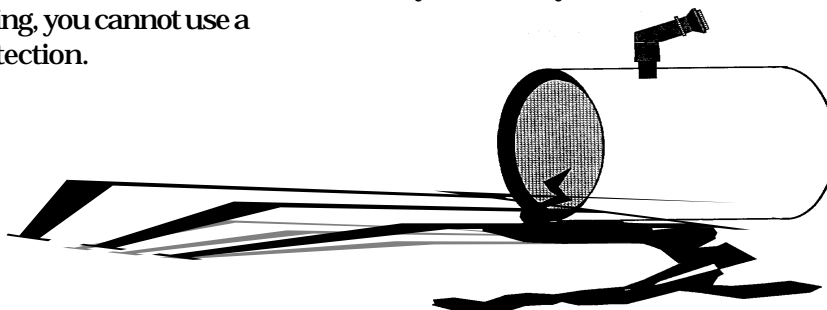
- Steel tanks must have corrosion-resistant coating AND cathodic protection (such as a sti-P3 tank)
- Construction from noncorrodible material, such as fiberglass
- Steel tank clad with noncorrodible material (such as an ACT-100 tank) or tank enclosed in noncorrodible material
- Uncoated steel tank has cathodic protection system (either sacrificial anodes or impressed current)
- Uncoated steel tanks with the interior lined with noncorrodible material
- Uncoated steel tanks with cathodic protection AND interior lined with noncorrodible material

Existing piping must have ONE of the following:

- Uncoated steel piping has cathodic protection
- Steel piping has a corrosion-resistant coating AND cathodic protection
- Piping made of (or enclosed in) noncorrodible material (such as fiberglass)

Remember, the purpose of these upgrades is to prevent LUST (**l**eaking **u**nderground **s**torage **t**anks).

If you need any further information about the 1998 upgrade requirements please contact any member of the prevention/inspection staff. Don't let 1998 arrive before you're ready!





REGS...CONTINUED FROM PAGE 1

2. **Worksheet Test** - A financial worksheet has been developed that recognizes the unique financial structure of government entities. Local governments can use readily available financial data to complete the worksheet and calculate a score. Governments with scores at or above a selected level will be allowed to self-insure.

3. **Governmental Guarantee** - A local government will be allowed to obtain a guarantee from the state or another local government with which it can demonstrate a "substantial governmental relationship." In order to serve as guarantor, a local government must qualify using the bond rating or worksheet test.

4. **Fund Balance Test** - Local governments may self-administer a UST response fund if appropriate safeguards are met.

- If a tank owner has unpaid tank fees from previous years, that owner must pay the back registration

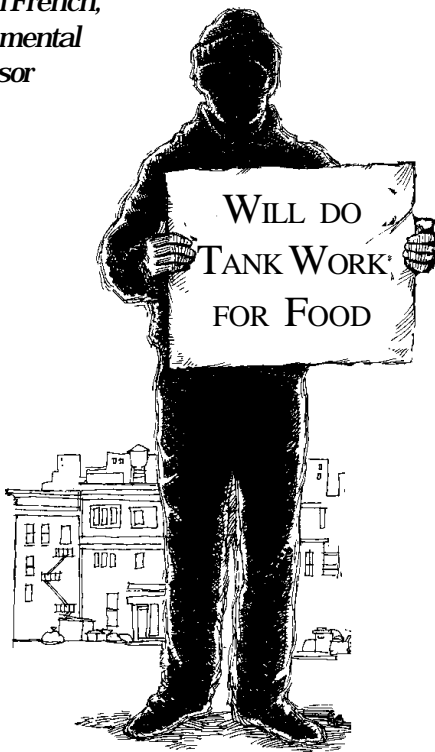
fees, late fees and associated interest, or agree to a payment schedule, before registration will be renewed for the coming year. This is a change to the tank registration regulations. Facility operators must be sure that current registration certificates are displayed at the facility where the tanks are located.

Other changes clean up some errors in language, standardize the format, and add the "rule history" to these parts of the regulations. Few members of the public had comments about these changes.

In contrast to this round of less-controversial regulatory changes, the Department expects high interest in the second round. Significant changes to the remaining sections, covering corrective action and administration of the Corrective Action Fund, are under development by the Department and will be proposed later this year.

## Doing or needing tank work in New Mexico?

by John French,  
Environmental  
Supervisor

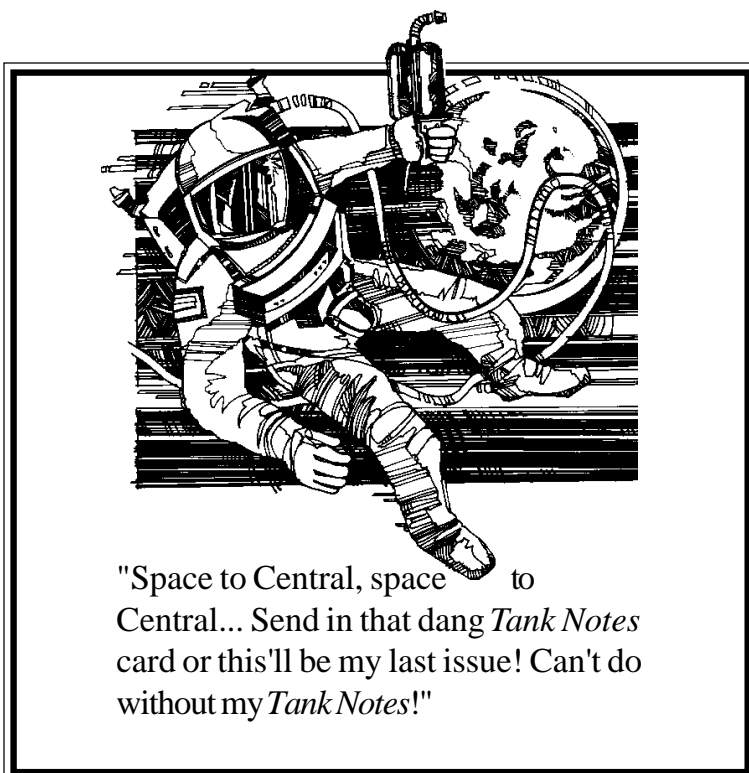


**A**re you planning on doing any work or using a contractor for work on regulated underground storage tanks in New Mexico? If so, be sure the contractor or company is licensed or certified properly, and that accepted industry practices and the Underground Storage Tank Regulations are followed.

To remove or close tank systems, follow American Petroleum Institute (API) Practice 1604, or another accepted practice, and the New Mexico USTR. This includes giving the USTB notice 30 days in advance (or 15 days if the Environmental Improvement Board adopts the Bureau's proposed changes to the regulations. See article on page 1), unless you request an emergency removal.

To install new systems, or upgrade and repair systems, follow API Practice 1615, or Petroleum Equipment Institute Practice 100-94, or other accepted practices, and the USTR. You must give the USTB notice 30 days (proposed to be 15 days) before beginning an installation or modification.

It is important that you choose a "qualified firm" for corrective action. This is a firm that uses a certified scientist. If you fail to use a qualified firm, you are not eligible for reimbursement.



Editor's Announcement:

**DON'T MISS  
OUT!  
MAIL IT IN!**

**T**ank Notes provides valuable information to New Mexico's UST community, and the Environment

Department is happy to produce it free of charge. But like everything, we have to be sure it gets into the right hands.

Maintaining an accurate mailing list is an ongoing problem we're tackling beginning with this issue. To continue receiving *Tank Notes*, cut out the response box on page 11, put it in an envelope and drop it in the mail. The mailing label tells us who you are and that you want to continue to receive *Tank Notes*.

Don't miss out – mail it in!

### *Note From the Chief*

*J. David Duran, UST Bureau Chief*

The Bureau's Remedial Action Program is changing to make the Program more responsive while, at the same time, providing management with data to make more informed decisions. The Program has been divided into five Quality Action Teams, each of which will be responsible for overseeing remedial action activities in a particular geographic area.

The areas have been divided initially along the NMED District lines. Two teams are based in Albuquerque and will cover Bernalillo County and the remainder of District I. The three other teams will cover Districts II, III and IV. Three teams will be supervised by Geologist III's. Two professional

engineers, one in Santa Fe and one in Albuquerque, will serve as additional team leaders.

One Program Manager, located in Santa Fe, will oversee the five team leaders. This is the first time engineer classifications will be utilized in the Bureau, and it is expected that the engineers will supplement the project managers' expertise. Each team leader will have overall responsibility for all sites undergoing remedial action in their particular geographic area.

Team members should rely on each other's knowledge and skills to resolve the majority of the problems, while design issues can be resolved in conjunction with the engineers.

## TANK NOTES

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This newsletter is for the UST owner/operator population and is provided as a general information guide only. It is not intended to replace, interpret or modify manufacturers' protocols, or the rules, regulations or requirements of local, state or federal government, nor is it intended as legal or official advice. The opinions expressed in articles written by NMED staff and others are those of the authors and do not necessarily reflect those of NMED.

We welcome your comments and suggestions. Send address changes and correspondence to: New Mexico Environment Department, Underground Storage Tank Bureau, Harold Runnels Building, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502.

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# TANK NOTES

STATE OF  
NEW MEXICO  
ENVIRONMENT  
DEPARTMENT



... A Newsletter from  
the Underground  
Storage Tank Bureau

PUBLISHED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT

VOL. 9, NO. 4

WINTER 1997

## Environmental Improvement Board Considers Changes to New Mexico UST Regulations

**T**he Environmental Improvement Board considered changes to 11 of the 17 parts of the Underground Storage Tank Regulations at a hearing on December 13th at the Highway Department District Office in Albuquerque.

The Board asked the Department to make some minor changes and left the hearing record open until December 31 to receive those changes. Revised copies of the proposed changes have been submitted and the Board's vote is expected in its Feb. 14 meeting.

Only a handful of interested parties attended the December hearing.

Here are the highlights of the proposed changes:

- Tank owners and operators may give the Environment Department as little as 15 days advance notice for tank removals and major modifications.
- Local governments have the four new options for meeting financial responsibility requirements that were added to the federal UST regulations in 1994. Since 1988, when the first federal regulations on

financial responsibility were adopted, EPA learned that many of the mechanisms that worked for corporate tank owners were not appropriate for local governments. By adopting these changes, New Mexico aims to keep its UST regulations equivalent to, if not exactly the same as, the federal regulations, as required by the New Mexico Hazardous Waste Act and the US Environmental Protection Agency.

The additional mechanisms proposed are:

1. **Bond Rating Test** - Local governments with outstanding issues of general obligation bonds rated by Standard & Poor's or Moody's as "investment grade" will be allowed to self-insure. Special districts that cannot issue general obligation bonds can self-insure if they have outstanding revenue bonds rated "investment grade."

To be eligible to use the test, a local government must currently have \$1 million or more in bonds outstanding.

DONT LET THIS BE  
YOUR LAST ISSUE  
OF TANK NOTES!  
SEE PAGE 3.

REGS...CONTINUED PAGE 4